

State Water Resources Control Board

May 25, 2018

(Via email and Certified Mail)
CERTIFIED MAIL
NO. 7017 2680 0000 6289 4831

Mr. Don McGray
Maintenance Supervisor
California Department of Transportation
50 Higuera Street
San Luis Obispo, California 93401
don.mcgray@dot.ca.gov

**SUBJECT: NOTICE OF VIOLATION; UNDERGROUND STORAGE TANK SYSTEMS
LOCATED AT CALIFORNIA DEPARTMENT OF TRANSPORTATION,
CALTRANS D5, 50 HIGUERA STREET, SAN LUIS OBISPO**

Dear Mr. McGray:

As part of an initiative by the State Water Resources Control Board (State Water Board) to ensure compliance at government-owned and/or operated underground storage tank (UST) facilities in California, the State Water Board staff inspected the USTs at your facility on May 11, 2018, pursuant to authority under Health and Safety Code (H&SC), chapter 6.7, section 25289.

The State Water Board has identified the following violations pursuant to H&SC, chapter 6.7, and California Code of Regulations (CCR), title 23, chapter 16:

No.	Violation	Tank	Start Date	Stop Date	Regulation
1	Failure to Maintain Facility Information Form – In CERS, in the facility information form, the financial responsibility section lists “yes” for self-insured; however, it should list “exempt.” The tank owner and tank operator sections need to reflect the actual owner and operator instead of facility personnel.	All	May 11, 2018	Ongoing	23 CCR 2711(a)
2	Failure to Maintain Tank Information Forms – In CERS, the tank information form does not list fill tube shut-off devices installed; however, these were observed in both tanks during the inspection; and the piping system type lists “gravity”; however, pressure systems were observed during the inspection.	All	May 11, 2018	Ongoing	23 CCR 2711(a)

Office of Enforcement | 801 K Street, Suite 2300 | Sacramento, CA 95814 | 916.341.5272

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

No.	Violation	Tank	Start Date	Stop Date	Regulation
3	Failure to Maintain Monitoring Plan – In the CERS monitoring plan: the tank, piping, and under dispenser containment (UDC) sensor model numbers are listed as 409 sensors and need to be updated to reflect the correct sensor model numbers; the recordkeeping section does not indicate equipment maintenance records are kept.	All	May 11, 2018	Ongoing	H&SC 25286(a); 23 CCR 2632(d)(1) 2711(a)(9)
4	Failure to Maintain Release Response Plan – The UST Response Plan was not available onsite or in CERS at the time of inspection.	All	May 11, 2018	Ongoing	23 CCR 2632(d)(2)
5	Failure to Maintain Monitoring or Testing Records Onsite – The 2015 spill containment test record and the 2015 and 2018 secondary containment test records were not available onsite at the time of inspection.	All	May 11, 2018	Ongoing	H&SC 25293; 23 CCR 2712(b)
6	Failure to Tag Monitoring Equipment – The following monitoring equipment did not have a current certification tag affixed: dispenser 1-2, LLDs, ATGs, and annular space sensors.	All	May 11, 2018	Ongoing	23 CCR 2638(f)
7	Failure to Provide Designated Operator (DO) Training – The DO training document onsite at the time of inspection indicated that training was provided on January 17, 2017.	All	January 18, 2018	Ongoing	23 CCR 2715(f)
8	Failure to Maintain Primary Containment – Diesel was observed weeping from the pipe fittings above the UDC. This was noted in previous DO monthly inspection reports and is ongoing. A bucket beneath the dispenser filter was observed being used to contain the dripping.	Diesel	May 11, 2018	Ongoing	H&SC 25291(a)(1); 23 CCR 2631(a), 2712(j)
9	Failure to Maintain Spill Containment Requirements – The spill containment device contained 2 inches of liquid preventing its ability to hold 5 gallons.	Diesel	May 11, 2018	Ongoing	23 CCR 2635(b)(1)
10	Failure to Monitor Product Piping – The sensor in the unleaded turbine sump was not in a vertical position.	All	May 11, 2018	Ongoing	23 CCR 2630(d)

You are directed to correct the ongoing violations and submit compliance documentation to the State Water Board and San Luis Obispo Fire Department within sixty (60) days from the date of this letter. Have your DO make specific notations in the next monthly DO report indicating the ongoing violations have been corrected. The monthly DO report and any associated photos must be submitted as proof of compliance.

Please send all compliance documentation to the following:

State Water Board

Ms. Rebecca Green
UST Enforcement Unit
Office of Enforcement
State Water Resources Control Board
801 K Street, Suite 2300
Sacramento, California 95814
rebecca.green@waterboards.ca.gov

Local CUPA

Mr. Kerry Boyle
Hazardous Materials Coordinator
San Luis Obispo Fire Department
2160 Santa Barbara Avenue
San Luis Obispo, California 93401
kboyle@slocity.org

Pursuant to Health and Safety Code, chapter 6.7, section 25299, the owner and operator of the tank(s) are liable for a penalty of \$500 to \$5,000 per tank, per day of violation. These penalties will continue to accrue until the violations have been corrected.

If you have any questions, please contact me at (916) 341-5551, or by email at amantha.henkel@waterboards.ca.gov.

Sincerely,



Amantha Henkel
Senior Environmental Scientist
UST Enforcement Unit
Office of Enforcement

cc: See next page.

cc: *(via email only)*

Mr. Jay Karl
Hazmat Manager
California Department of Transportation
juniper.karl@dot.ca.gov

Mr. Joshua Blackshear
Assistant Hazmat Manager
California Department of Transportation
josh.blackshear@dot.ca.gov

Mr. Marcus Garcia
Compliance Coordinator
B&T Service Station Contractors
marcus@btssc.com

Mr. Kerry Boyle
Hazardous Materials Coordinator
San Luis Obispo Fire Department
kboyle@slocity.org